

## **IC 25-40-2**

### **Chapter 2. Training and State Certification Programs**

#### **IC 25-40-2-1**

##### **Certified employee assistance professional**

Sec. 1. An individual who desires in-state, local certification as a certified employee assistance professional must be identified by an authorized program as a certified employee assistance professional by the commission. To qualify for an in-state, local certification, the individual must be experienced, trained, and educated in the following areas:

- (1) Identification and resolution of productivity problems associated with employees impaired by the following concerns that may adversely affect employee job performance:
  - (A) Health concerns.
  - (B) Marital concerns.
  - (C) Family concerns.
  - (D) Financial concerns.
  - (E) Substance abuse and other addiction concerns.
  - (F) Workplace concerns.
  - (G) Legal concerns.
  - (H) Emotional concerns.
  - (I) Other workplace concerns.
- (2) Selecting and evaluating available community resources.
- (3) Making appropriate referrals.
- (4) Knowledge of local and national employee assistance agreements.
- (5) Client confidentiality.
- (6) Other areas specified by the program.

*As added by P.L.185-1999, SEC.1.*

#### **IC 25-40-2-2**

##### **Privileged information disclosed to employee assistance professional**

Sec. 2. Matters communicated by a client to an employee assistance professional in the employee assistance professional's official capacity are privileged information and may not be disclosed by the employee assistance professional to any person, except under the following circumstances:

- (1) In a criminal proceeding involving a homicide if the disclosure relates directly to the fact or immediate circumstances of the homicide.
- (2) When the communication reveals the contemplation or commission of a crime or a serious harmful act.
- (3) When:
  - (A) the client is an unemancipated minor or an adult adjudicated to be incompetent; and
  - (B) the information communicated to the employee assistance professional indicates the client was the victim of abuse or a crime.

- (4) In a proceeding to determine mental competency or a proceeding in which a defense of mental incompetency is raised.
- (5) In a civil or criminal malpractice action against the employee assistance professional.
- (6) When the employee assistance professional has the express consent of:
  - (A) the client; or
  - (B) the client's legal representative in the case of a client's death or disability.
- (7) To a physician when the physician is licensed under IC 25-22.5 and has established a physician-patient relationship with the client.
- (8) When privileged communication is abrogated under Indiana law.

*As added by P.L.185-1999, SEC.1.*